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**UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF CALIFORNIA**

Case No. 5:20-cv-00354-VKD

PETER STROJNIK,

Plaintiff,

vs.

R.F. WEICHERT V, INC. dba JABBERWOCK
INN,

Defendant.

**DECLARATION OF PHILIP
STILLMAN RE CONSENT TO
MAGISTRATE**

Courtroom: 2, 5th Fl.

Hon. Virginia K. DeMarchi

DECLARATION OF PHILIP H. STILLMAN

I, Philip H. Stillman, hereby declare:


1. I am a member of the California State Bar in good standing, and counsel for Defendant in the above-captioned action. I have personal knowledge of the facts stated herein, and if called as a witness, I could and would testify competently to them.

2. On March 20, I received an ECF notice that one party, without specifying who, had failed to file a consent to a Magistrate hearing this case. It is always my practice in the Northern District to file such a consent and I checked my folder for this case and saw that as I had recalled, there was such a consent on behalf of my client executed by me on March 3, 2020. Although in retrospect, I should have verified that the document had actually had been filed, I saw no reason to suspect that it had *not* been filed, based on my own recollection and the fact that a copy of the document was in my file.

3. It was only this morning, when I checked the docket for other reasons that I saw that Mr. Strojnik had filed his Consent to Magistrate jurisdiction, *but that I had not*. I immediately filed the one that had been in my file.

4. I apologize to Judge Koh and Magistrate DeMarchi for my error and the inconvenience and in light of the Consent filed today, ask that it be re-referred to Magistrate DeMarchi.

I declare under the penalty of perjury under the laws of the State of California and the United States that the foregoing is true and correct. Signed this 23rd day of March, 2020 at Miami Beach, Florida.


By: Philip H. Stillman, Esq.

PROOF OF SERVICE

I, the undersigned, certify under penalty of perjury that on March 23, 2020 or as soon as possible thereafter, copies of the foregoing Declaration of Philip H. Stillman re Consent to Magistrate was served electronically by the Court's ECF notice to all persons/entities requesting special notice or otherwise entitled to the same and via email to Plaintiff's email address listed with this Court.

By: /s/ Philip H. Stillman
Attorneys for R.F. WEICHERT V, INC.